

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

RYAN BRESLOW, ALEX FINE, and
JON GORDON,

Plaintiffs,

v.

MARK PHILLIPS and BENJAMIN REED,

Defendants.

Action No.: 23-cv-20727-ALTMAN/Reid

Honorable Roy K. Altman

MOVEMENTDAO and MARK PHILLIPS,

Counterclaim-Plaintiffs

v.

RYAN BRESLOW, ALEX FINE, and
JON GORDON,

Counterclaim-Defendants

**PLAINTIFFS AND COUNTERCLAIM-DEFENDANTS' UNOPPOSED MOTION FOR
LEAVE TO FILE DOCUMENTS UNDER SEAL AND INCORPORATED
MEMORANDUM OF LAW**

Pursuant to Local Rule 5.4, Plaintiffs and Counterclaim-Defendants Ryan Breslow, Alex Fine, and Jon Gordon (collectively, “Counterclaim-Defendants”), by and through undersigned counsel, hereby move the Court for an order permitting Counterclaim-Defendants to file under seal portions of the forthcoming Reply in support of Counterclaim-Defendants’ Motion To Dismiss (“Reply”).

I. INTRODUCTION

The Court previously granted Counterclaim-Defendants leave to file a confidential document under seal. *See* Dkt. Nos. 115, 129, 149. That document was subsequently filed under seal through on June 21, 2023 in connection with a preliminary injunction hearing, June 30, 2023 in connection with Counterclaim-Defendants Motion to Dismiss Counterclaims, and August 4, 2023 in connection with their Opposition to Defendants’ Objections to the Report and Recommendation. Now, Counterclaim-Defendants seek leave to file under seal portions of the their Reply that reference information contained in this confidential document.

II. LEGAL STANDARD

While court records are generally subject to the common law right of access, “the right to inspect and copy judicial records is not absolute.” *Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 597 (1978). Courts may allow documents to be filed under seal upon a showing of “good cause,” which includes “balanc[ing] the asserted right of access against the other party’s interest in keeping the information confidential.” *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007); *see Jankula v. Carnival Corp.*, No. 18-CV-24670, 2019 WL 8051714, at *1 (S.D. Fla. July 30, 2019).

III. ARGUMENT

The Court should grant leave for Counterclaim-Defendants to file under seal portions of their Reply. This Court has previously granted Counterclaim-Defendants leave to file under seal a confidential document. *See* Dkt. Nos. 115, 129, 149. The portions of Counterclaim-Defendants' Reply that they now seek leave to file under seal discuss the details of that confidential document. Throughout this litigation, the parties have mutually treated the document and its contents as confidential, and nothing has changed since this Court last granted leave to file the confidential document under seal that would necessitate a public, unredacted filing.

IV. CONCLUSION

For the reasons set forth in this Memorandum, Counterclaim-Defendants respectfully request the Court issue an Order permitting Counterclaim-Defendants to file under seal portions of Counterclaim-Defendants' Reply In Support Of The Motion To Dismiss.

COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

On August 9, 2023, counsel for Counterclaim-Defendants conferred with Counterclaim-Plaintiffs' counsel. Counterclaim-Plaintiffs do not oppose the relief sought by this Motion.

Dated: August 9, 2023

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*Attorneys for Plaintiffs and Counterclaim-
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by the Court's CM/ECF system on August 9, 2023 on all counsel of record.

/s/ Jamie L. Katz
Jamie L. Katz

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**[PROPOSED] ORDER GRANTING MOTION FOR
LEAVE TO FILE UNDER SEAL**

THIS CAUSE is before the Court on Plaintiffs and Counterclaim-Defendants Ryan Breslow, Alex Fine, and Jon Gordon's (collectively, "Counterclaim-Defendants") Motion For Leave To File Documents Under Seal (the "Motion"). The Court has reviewed the Motion and is otherwise fully advised in the premises.

Accordingly, it is ORDERED that Counterclaim-Defendants' Motion For Leave To File Under Seal is hereby GRANTED. Counterclaim-Defendants may file under seal portions of Counterclaim-Defendants' Reply In Support Of The Motion To Dismiss.

DONE AND ORDERED in Chambers at _____, Florida this ____ day of August 2023.

Dated:

United States District Court Judge

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/s/ Jamie L. Katz

Jamie L. Katz